

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow. Of claims 1-20 which were pending in this application, claims 10-20 were previously withdrawn and claims 1-9 were rejected by the Examiner.

Elected claims 1-9 and previously withdrawn claim 16 have been amended; claim 5 has been amended to be in independent claim format. No new matter has been presented.

#### I. Information Disclosure Statement

Applicant does not agree with the Examiner's position that the I.D.S. filed on June 28, 2002 does not comply with 37 C.F.R. § 1.98(a)(3). Contrary to the assertion in the Office Action, in the I.D.S. a concise statement of relevance was provided for Japanese Patent Document 5-57838. Specifically, the reference was described as relating to a "projection exposure device." However, to aid the Examiner, the reference is being resubmitted concurrently herewith along with a further explanation of its relevance.

#### II. Claim Rejections

##### A. Rejection of Claims 1, 2, and 4-9 under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 2, and 4-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,363,171 ("Mack"). For the following reasons, Applicant respectfully traverses this rejection.

##### 1. Claims 1, 2, 4 and 6-9

Mack fails to teach or suggest the following limitation originally recited in claim 4: "wherein a position at which a reflectance is to be measured is selected in an area immediately before an exposure area on said substrate." Moreover, the Examiner cites no provision in Mack to support his position that Mack anticipates this limitation previously recited in claim 4. Claim 1, as amended, essentially recites this limitation and, therefore, this limitation has been removed from claim 4. Specifically, as amended claim 1 recites (with emphasis added):

*a reflectance measuring mechanism for irradiating an exposure adjacent area which is adjacent an exposure area of a substrate with exposure light and for*

*measuring a reflectance of said exposure light from said exposure adjacent area when said mask pattern is projected onto said exposure area[.]*

Unlike Mack, claim 1 recites and the present application teaches that the reflectance is measured in an exposure adjacent area 8a, 8b which is adjacent the exposure area 8. *See* Figs. 2a, 2b; and p. 11, lines 26-31 (as amended herein).

Therefore, in light of Mack's failure to teach or suggest measuring a reflectance in an exposure adjacent area, the rejection of claim 1 under 35 U.S.C. § 102(b) can not be maintained. In addition, as claims 2, 4, and 6-9 depend from claim 1, each of these dependent claims is also allowable over Mack. Accordingly, the rejection of claims 1, 2, 4, and 6-9 under § 102(b) should be withdrawn.

## **2. Claim 5**

As previously mentioned, claim 5 has been amended to be in independent claim format. The Examiner cites no provision in Mack to support his position that Mack anticipates claim 5. Claim 5 recites: "wherein said reflectance measuring mechanism includes an optical system for forming exposure light used for measurement of a reflectance, into a beam of a predetermined shape." Mack presents no teaching or suggestion of forming the exposure light into a beam of a predetermined shape.

By way of contrast, in the instant application, the exposure light may be formed into any of a plurality of predetermined shapes. For example, the specification teaches that the shape of the exposure light passing through the reflectance measurement mechanism 100 may be formed into an elliptical shape by the optical system 10. *See, e.g.* p. 8, lines 6-9; p. 9, lines 22-26; p. 12, lines 28-33; and Figs. 2(a), 2(b).

Accordingly, in light of Mack's failure to teach or suggest an optical system for forming exposure light into a beam of a predetermined shape, the rejection of claim 5 under 35 U.S.C. § 102(b) was improper and, therefore, should be withdrawn.

## **B. Rejection of Claim 3 under 35 U.S.C. § 103(a)**

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being obvious over Mack. For the following reasons, Applicant respectfully traverses this rejection.

As previously mentioned, Mack fails to teach or suggest measuring a reflectance in an exposure adjacent area, as recited in amended claim 1. Moreover, as claim 3 depends from claim 1, claim 3 recites the reflectance measuring limitation which Mack fails to teach or

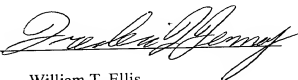
suggest. Accordingly, as Mack fails to teach or suggest each of the limitations of claim 3, the rejection of the claim under 35 U.S.C. § 103(a) should be withdrawn.

### CONCLUSION

For the reasons stated above, claims 1-9 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.